

TREATY WITH THE KINGDOM OF SIAM.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A copy of the treaty between the United States and the kingdom of Siam.

DECEMBER 13, 1858.—Referred to the Committee on Foreign Affairs and ordered to be printed.

To the Senate and House of Representatives:

I transmit to Congress a copy of the treaty between the United States and the kingdom of Siam, concluded on the 29th May, 1856, and proclaimed on the 16th August last, and call the attention of that body to the necessity of an act for carrying into effect the provisions of article II of the said treaty, conferring certain judicial powers upon the consul of the United States who may be appointed to reside at Bangkok. I would also suggest that the extension to the kingdom of Siam of the provisions of the act approved August 11, 1848, entitled "An act to carry into effect certain provisions in the treaties between the United States and China and the Ottoman Porte, giving certain judicial powers to ministers and consuls of the United States in those countries," might obviate the necessity of any other legislation upon the subject.

JAMES BUCHANAN.

WASHINGTON, December 10, 1858.

Treaty between the United States of America and the Kingdom of Siam, concluded 29th May, 1856, ratified 16th March, 1857, ratifications exchanged 15th June, 1857, proclaimed 16th August, 1858.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a treaty between the United States of America and their majesties the first King of Siam and the second King of Siam was

concluded and signed at Bangkok on the twenty-ninth day of May, eighteen hundred and fifty-six, the English version of which treaty—the original being in the English and Siamese languages—is word for word as follows:

The President of the United States of America, and their majesties Phra-Bard, Somdetch, Phra-Paramendr, Maha, Mongkut, Phra, Chom, Klau, Chau, Yu, Hua, the first King of Siam, and Phra, Bard, Somdetch, Phra, Pawarendr, Ramesr, Mahiswaresr, Phra, Pin Klau, Chau, Yu, Hua, the second King of Siam, desiring to establish upon firm and lasting foundations the relations of peace and friendship existing between the two countries, and to secure the best interest of their respective citizens and subjects by encouraging, facilitating, and regulating their industry and trade, have resolved to conclude a treaty of amity and commerce for this purpose, and have therefore named as their plenipotentiaries—that is to say, the President of the United States, Townsend Harris, esq., of New York, Consul General of the United States of America for the empire of Japan, and their majesties the first and second Kings of Siam, his royal highness the Prince Krom Hluang, Wongsas, Dhiraj, Snidh, his excellency Somdetch, Chau, Phaya, Param, Maha, Bijai, Neate, his excellency Chau, Phaya, Sri, Suriwongse, Samuha, Phra, Kralahom, his excellency Chau, Phaya, Rawe, Wongee, Maha, Kosa, Dhipade, the Phra Klang, his excellency Chau, Phaya, Yomray, the lord mayor, who, after having communicated to each other their respective full powers, and found them to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

There shall, henceforward, be perpetual peace and friendship between the United States and their majesties the first and second Kings of Siam and their successors.

All American citizens coming to Siam shall receive from the Siamese government full protection and assistance to enable them to reside in Siam in all security, and trade with every facility, free from oppression or injury on the part of the Siamese. Inasmuch as Siam has no ships trading to the ports of the United States, it is agreed that the ships-of-war of the United States shall render friendly aid and assistance to such Siamese vessels as they may meet on the high seas, so far as can be done without a breach of neutrality; and all American consuls residing at ports visited by Siamese vessels, shall also give them such friendly aid as may be permitted by the laws of the respective countries in which they reside,

ARTICLE II.

The interests of all American citizens coming to Siam shall be placed under the regulations and control of a consul, who will be appointed to reside at Bangkok. He will himself conform to and will enforce the observance by American citizens of all the provisions of

this treaty, and such of the former treaty negotiated by Mr. Edmund Roberts in 1833, as shall still remain in operation. He shall also give effect to all rules and regulations as are now or may hereafter be enacted for the government of American citizens in Siam, the conduct of their trade, and for the prevention of violations of the laws of Siam. Any disputes arising between American citizens and Siamese subjects shall be heard and determined by the consul, in conjunction with the proper Siamese officers; and criminal offences will be punished, in the case of American offenders, by the consul according to American laws, and in the case of Siamese offenders by their own laws, through the Siamese authorities. But the consul shall not interfere in any matters referring solely to Siamese; neither will the Siamese authorities interfere in questions which only concern the citizens of the United States.

ARTICLE III.

If Siamese in the employ of American citizens offend against the laws of their country, or if any Siamese having so offended, or desiring to desert, take refuge with American citizens in Siam, they shall be searched for, and upon proof of their guilt or desertion, shall be delivered up by the consul to the Siamese authorities. In like manner, any American offenders, resident or trading in Siam, who may desert, escape to, or hide themselves in Siamese territory, shall be apprehended and delivered over to the American consul on his requisition.

ARTICLE IV.

American citizens are permitted to trade freely in all the seaports of Siam but may reside permanently only at Bangkok, or within the limits assigned by this treaty.

American citizens coming to reside at Bangkok may rent land and buy or build houses, but cannot purchase land within a circuit of two hundred seng (not more than four miles English) from the city walls, until they shall have lived in Siam for ten years, or shall obtain special authority from the Siamese government to enable them to do so. But with the exception of this limitation American residents in Siam may at any time buy or rent houses, lands, or plantations situated anywhere within a distance of twenty-four hours' journey from the city of Bangkok, to be computed by the rate at which boats of the country can travel. In order to obtain possession of such lands or houses it will be necessary that the American citizen shall, in the first place, make application through the consul to the proper Siamese officer, and the Siamese officer and the consul, having satisfied themselves of the honest intentions of the applicant, will assist him in settling, upon equitable terms, the amount of the purchase money; will make out and fix the boundaries of the property, and will convey the same to the American purchaser under sealed deeds, whereupon he and his property shall be placed under the protection of the

governor of the district, and that of the particular local authorities. He shall conform in ordinary matters to any just direction given him by them, and will be subject to the same taxation that is levied on Siamese subjects. But if through negligence, the want of capital, or other cause, an American citizen should fail to commence the cultivation or improvements of the lands so acquired within a term of three years from the date of receiving possession thereof, the Siamese government shall have the power of resuming the property upon returning to the American citizen the purchase money paid by him for the same.

ARTICLE V.

All American citizens visiting or residing in Siam shall be allowed the free exercise of their religion, and liberty to build places of worship in such localities as shall be consented to by the Siamese authorities. The Siamese government will place no restriction upon the employment by the Americans of Siamese subjects as servants, or in any other capacity. But wherever a Siamese subject belongs or owes service to some particular master, the servant who engages himself to an American citizen without the consent of his master may be reclaimed by him, and the Siamese government will not enforce an agreement between an American citizen and any Siamese in his employ, unless made with the knowledge and consent of the master who has a right to dispose of the services of the person engaged.

ARTICLE VI.

American ships-of-war may enter the river and anchor at Paknam; but they shall not proceed above Paknam unless with the consent of the Siamese authorities, which shall be given where it is necessary that a ship shall go into dock for repairs. Any American ship-of-war conveying to Siam a public functionary, accredited by the American government to the Court of Bangkok, shall be allowed to come up to Bangkok, but shall not pass the forts called Phrachamit and Pit-pach-nuck, unless expressly permitted to do so by the Siamese government. But in the absence of an American ship-of-war, the Siamese authorities engage to furnish the consul with a force sufficient to enable him to give effect to his authority over American citizens, and to enforce discipline among American shipping.

ARTICLE VII.

The measurement duty hitherto paid by American vessels trading to Bangkok under the treaty of 1833, shall be abolished from the date of this treaty coming into operation, and American shipping or

trade will thenceforth only be subject to the payment of import and export duties on the goods landed or shipped.

On the articles of import the duty shall be three per cent., payable at the option of the importer, either in kind or money, calculated upon the market value of the goods. Drawback of the full amount of duty shall be allowed upon goods found unsaleable and re-exported. Should the American merchant and the custom-house officers disagree as to the value to be set upon imported articles, such disputes shall be referred to the consul and a proper Siamese officer, who shall each have the power to call in an equal number of merchants as assessors, not exceeding two on either side, to assist them in coming to an equitable decision.

Opium may be imported free of duty, but can only be sold to the opium farmer or his agents. In the event of no arrangement being effected with them for the sale of the opium, it shall be re-exported, and no impost or duty shall be levied thereon. Any infringement of this regulation shall subject the opium to seizure and confiscation.

Articles of export, from the time of production to the date of shipment, shall pay one impost only, whether this be levied under the name of inland tax, transit duty, or duty on exportation. The tax or duty to be paid on each article of Siamese produce previous to or upon exportation is specified in the tariff attached to this treaty; and it is distinctly agreed that goods or produce that pay any description of tax in the interior shall be exempted from any further payment of duty on exportation. American merchants are to be allowed to purchase directly from the producer the articles in which they trade, and in like manner to sell their goods directly to the parties wishing to purchase the same without the interference in either case of any other person.

The rates of duty laid down in the tariff attached to this treaty are those that are now paid upon goods or produce shipped in Siamese or Chinese vessels or junks; and it is agreed that American shipping shall enjoy all the privileges now exercised by, or which hereafter may be granted to Siamese or Chinese vessels or junks.

American citizens will be allowed to build ships in Siam on obtaining permission to do so from the Siamese authorities.

Whenever a scarcity may be apprehended of salt, rice and fish the Siamese government reserve to themselves the right of prohibiting by public proclamation the exportation of these articles, giving 30 days' (say thirty days) notice, except in case of war.

Bullion or personal effects may be imported or exported free of charge.

ARTICLE VIII.

The code of regulations appended to this treaty shall be enforced by the consul, with the co-operation of the Siamese authorities; and they, the said authorities and consul, shall be enabled to introduce

any further regulations which may be found necessary in order to give effect to the objects of this treaty.

All fines and penalties inflicted for infraction of the provisions and regulations of this treaty shall be paid to the Siamese government.

ARTICLE IX.

The American government and its citizens will be allowed free and equal participation in any privileges that may have been or may hereafter be granted by the Siamese government to the government, citizens, or subjects of any other nation.

ARTICLE X.

After the lapse of ten years from the date of the ratification of this treaty, upon the desire of either the American or Siamese government, and on twelve months' notice given by either party, the present, and such portions of the treaty of 1833 as remain unrevoked by this treaty, together with the tariff and regulations thereunto annexed, or those that may hereafter be introduced, shall be subject to revision by commissioners appointed on both sides for this purpose, who will be empowered to decide on and insert therein such amendments as experience shall prove to be desirable.

ARTICLE XI.

This treaty, executed in English and Siamese, both versions having the same meaning and intention, shall take effect immediately, and the ratifications of the same shall be exchanged at Bangkok within eighteen months from the date thereof.

In witness whereof, the above-named plenipotentiaries have signed and sealed the present treaty in triplicate at Bangkok; on the twenty-ninth day of May, in the year one thousand eight hundred and fifty-six of the Christian era, and of the independence of the United States the eightieth, corresponding to the tenth of the waning moon of the lunar month Wesakh, or sixth month of the year of the Quadruped Serpent of the Siamese civil era, one thousand two hundred and eighteen, and the sixth of the reign of their majesties the first and second kings of Siam.

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TOWNSEND HARRIS.

[L. S.]

[L. S.]*

* Signatures of Siamese plenipotentiaries.

General regulations under which American trade is to be conducted in Siam.

REGULATION I.

The master of every American ship coming to Bangkok to trade must, either before or after entering the river, as may be found convenient, report the arrival of his vessel at the custom-house at Paknam, together with the number of his crew and guns, and the port from whence he comes. Upon anchoring his vessel at Paknam he will deliver into the custody of the custom-house officers all his guns and ammunition, and a custom-house officer will then be appointed to the vessel, and will proceed in her to Bangkok.

REGULATION II.

A vessel passing Paknam without discharging her guns and ammunition, as directed in the foregoing regulation, will be sent back to Paknam to comply with its provisions, and will be fined eight hundred ticals for having so disobeyed. After delivery of her guns and ammunition she will be permitted to return to Bangkok to trade.

REGULATION III.

When an American vessel shall have cast anchor at Bangkok, the master, unless a Sunday should intervene, will, within four and twenty hours after arrival, proceed to the American consulate and deposit there his ship's papers, bills of lading, &c., together with a true manifest of his import cargo; and upon the consul's reporting these particulars to the custom-house, permission to break bulk will at once be given by the latter.

For neglecting so to report his arrival, or for presenting a false manifest, the master will subject himself, in each instance, to a penalty of four hundred ticals; but he will be allowed to correct, within twenty-four hours after delivery of it to the consul, any mistake he may discover in his manifest, without incurring the above-mentioned penalty.

REGULATION IV.

An American vessel breaking bulk and commencing to discharge before due permission shall be obtained, or smuggling, either when in the river or outside the bar, shall be subject to the penalty of eight hundred ticals, and confiscation of the goods so smuggled or discharged.

REGULATION V.

As soon as an American vessel shall have discharged her cargo, and completed her outward lading, paid all her duties, and delivered a true manifest of her outward cargo to the American consul, a Siamese port clearance shall be granted her, on application from the consul, who, in the absence of any legal impediment to her departure, will then return to the master his ship's papers, and allow the vessel to leave. A custom-house officer will accompany the vessel to Paknam, and on arriving there she will be inspected by the custom-house officers of that station, and will receive from them the guns and ammunition previously delivered into their charge.

REGULATION VI.

The American plenipotentiary having no knowledge of the Siamese language, the Siamese government have agreed that the English text of these regulations, together with the treaty of which they form a portion, and the tariff hereunto annexed, shall be accepted, as conveying, in every respect, their true meaning and intention.

REGULATION VII.

All American citizens intending to reside in Siam shall be registered at the American consulate; they shall not go out to sea nor proceed beyond the limits assigned by the treaty for the residence of American citizens without a passport from the Siamese authorities, to be applied for by the American consul; nor shall they leave Siam if the Siamese authorities show to the American consul that legitimate objections exist to their quitting the country. But within the limits appointed under article IV of the treaty, American citizens are at liberty to travel to and fro, under the protection of a pass to be furnished them by the American consul, and counter-sealed by the proper Siamese officer, stating in the Siamese character their names, calling, and description. The Siamese officers at the government stations in the interior may at any time call for the production of this pass, and immediately on its being exhibited they must allow the parties to proceed; but it will be their duty to detain those persons who, by travelling without a pass from the consul, render themselves liable to the suspicion of their being deserters, and such detention shall be immediately reported to the consul.

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TOWNSEND HARRIS.

[L. S.]

[L. S.]*

*Signatures of Siamese plenipotentiaries.

Tariff of Export and Inland Duties to be levied on Articles of Trade.

SECTION I.

The undermentioned articles shall be entirely free from inland or other taxes on production or transit, and shall pay export duty as follows:

	Tical.	Salung.	Fuang.	Hun.	
1. Ivory	10	0	0	0	Per pecul.
2. Gamboge	6	0	0	0	do.
3. Rhinoceros' horns	50	0	0	0	do.
4. Cardamums, best	14	0	0	0	do.
5. Cardamums, bastard	6	0	0	0	do.
6. Dried mussels	1	0	0	0	do.
7. Pelicans' quills	2	2	0	0	do.
8. Betel nut, dried	1	0	0	0	do.
9. Krachi wood	0	2	0	0	do.
10. Sharks' fins, white	6	0	0	0	do.
11. Sharks' fins, black	3	0	0	0	do.
12. Lukkrabau seed	0	2	0	0	do.
13. Peacocks' tails	10	0	0	0	Per 100 tails.
14. Buffalo and cow bones	0	0	0	3	Per pecul.
15. Rhinoceros' hides	0	2	0	0	do.
16. Hide cuttings	0	1	0	0	do.
17. Turtle shells	1	0	0	0	do.
18. Soft shells	1	0	0	0	do.
19. Beche de mer	3	0	0	0	do.
20. Fish maws	3	0	0	0	do.
21. Birds' nests, uncleaned	20 per ct.				
22. Kingfishers' feathers	6	0	0	0	Per 100.
23. Cutch	0	2	0	0	Per pecul.
24. Beyche seed, [nux vomica]	0	2	0	0	do.
25. Pungtarai seed	0	2	0	0	do.
26. Gum Benjamin	4	0	0	0	do.
27. Angraï bark	0	2	0	0	do.
28. Agilla wood	2	0	0	0	do.
29. Ray skins	3	0	0	0	do.
30. Old deers' horns	0	1	0	0	do.
31. Soft or young horns	10 per ct.				
32. Deer hides, fine	8	0	0	0	Per 100 hides.
33. Deer hides, common	3	0	0	0	do.
34. Deer sinews	4	0	0	0	Per pecul.
35. Buffalo and cow hides	1	0	0	0	do.
36. Elephants' bones	1	0	0	0	do.
37. Tigers' bones	5	0	0	0	do.
38. Buffalo horns	0	1	0	0	do.
39. Elephants' hides	0	1	0	0	do.
40. Tigers' skins	0	1	0	0	Per skin.
41. Armadillo skins	4	0	0	0	Per pecul.
42. Stick lack	1	1	0	0	do.
43. Hemp	1	2	0	0	do.
44. Dried fish, flaheng	1	2	0	0	do.
45. Dried fish, plasalit	1	0	0	0	do.
46. Sapan wood	0	2	1	0	do.
47. Salt meat	2	0	0	0	do.
48. Mangrove bark	0	1	0	0	do.
49. Rosewood	0	2	0	0	do.
50. Ebony	1	1	0	0	do.
51. Rice	4	0	0	0	Per royan.

SECTION II.

The undermentioned articles, being subject to the inland or transit duties herein named and which shall not be increased, shall be exempt from export duty :

	Tical.	Salung.	Fuang.	Hon.	
52. Sugar, white -----	0	2	0	0	Per pecul.
53. Sugar, red -----	0	1	0	0	do.
54. Cotton, cleaned and uncleaned.-----					10 per cent.
55. Pepper -----	1	0	0	0	Per pecul.
56. Salt fish, platu -----	1	0	0	0	Per 10,000 fish.
57. Beans and peas -----					One-twelfth.
58. Dried prawns -----					do.
59. Tilseed -----					do.
60. Silk, raw -----					do.
61. Beeswax -----					One-fifteenth.
62. Tallow -----	1	0	0	0	Per pecul.
63. Salt -----	6	0	0	0	Per royan.
64. Tobacco -----	1	2	0	0	Per 1,000 bun.

SECTION III.

All goods and produce unenumerated in this tariff shall be free of export duty, and shall only be subject to one inland tax or transit duty, not exceeding the rate now paid.

[L. S.]

TOWNSEND HARRIS.

[L. S.]

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And whereas the said treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Bangkok, on the fifteenth day of June, eighteen hundred and fifty-seven, by Charles William Bradley, consul of the United States at Ningpo, in China, and the royal Siamese commissioners, on the part of their respective governments :

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, have caused the said treaty to be made public to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this sixteenth day of August, in [L. S.] the year of our Lord one thousand eight hundred and fifty-eight, and of the independence of the United States of America the eighty-third.

JAMES BUCHANAN.

By the President:

LEWIS CASS, *Secretary of State.*